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Date: November 10, 2008By:   
Jennifer Archer

Attorney Docket No. 104093-8B KGB  
Confirmation No. 5072

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Frank BERENDES et al  
SERIAL NO. : 10/669,424  
CUSTOMER NO. : 27384  
FILED : September 24, 2003  
FOR : PROCESS FOR PREPRING 3-HETEROARYL-3-  
HYDROXOPROPANOIC ACID DERIVATIVES  
ART UNIT : 1625  
EXAMINER : Niloofer Rahmani

November 10, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 CFR § 1.116**

SIR:

In response to the Office Action dated May 9, 2008, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper